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SENATE BILL NO. 501

Senate Amendments in [] - February 6, 2020

A *BILL to amend and reenact §§ 63.2-904 and 63.2-1231 of the Code of Virginia, relating to adoption and foster care; persons authorized to conduct home studies.*

Patrons Prior to Engrossment—Senators Reeves and Boysko

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-904 and 63.2-1231 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-904. Investigation, visitation, and supervision of foster homes or independent living arrangement; removal of child.

A. Before placing or arranging for the placement of any such child in a foster home or independent living arrangement, a local board or licensed child-placing agency shall cause a careful study to be made to determine the suitability of such home or independent living arrangement, and after placement shall cause such home or independent living arrangement and child to be visited as often as necessary to protect the interests of such child. *Home studies shall be completed by a local board, licensed child-placing agency, or other person who has completed the home study training program established by Board regulation.* Home studies by local boards shall be conducted in accordance with the Mutual Family Assessment home study template and any addenda thereto developed by the Department.

B. Every local board or licensed child-placing agency that places a child in a foster home or independent living arrangement shall maintain such supervision over such home or independent living arrangement as shall be required by the standards and policies established by the Board.

C. Whenever any child placed by a local board or licensed child-placing agency and still under its control or supervision is subject, in the home in which he is placed, to unwholesome influences or to neglect or mistreatment, or whenever the Commissioner shall so order, such local board or agency shall cause the child to be removed from such home and shall make for him such arrangements as may be approved by the Commissioner. Notwithstanding any other provision of law, the Commissioner shall have the authority to place, remove, or direct the placement or removal of any child who is under the supervision and control of a local board or licensed child-placing agency. Pursuant to such authority, the Commissioner shall remove or direct the removal of any child placed by a local board or licensed child-placing agency in a foster home or children's residential facility that fails to comply with any state or federal requirements intended to protect the child's health, safety, or well-being.

D. Consistent with the reasonable and prudent parent standard defined in 42 U.S.C. § 675(10)(A), caregivers for children in foster care shall support normalcy for such children. The Board shall adopt regulations to assist local boards and licensed child-placing agencies in carrying out practices that support careful and sensible parental decisions that maintain the health, safety, and best interest of the child while at the same time encouraging his emotional and developmental growth.

§ 63.2-1231. Home study; meeting required; exception.

A. Prior to the consent hearing in the juvenile and domestic relations district court, a home study of the adoptive parent(s) shall be completed by a licensed or duly authorized child-placing agency *or a person who has completed the home study training program established by Board regulation* and the prospective adoptive parents shall be informed that information about shaken baby syndrome, its effects, and resources for help and support for caretakers is available on a website maintained by the Department in accordance with regulations adopted by the Board. Home studies by local boards shall be conducted in accordance with the Mutual Family Assessment home study template and any addenda thereto developed by the Department. All home studies conducted pursuant to this section, whether by a local board ~~or a~~ child-placing agency, *or other person who has completed the home study training program*, shall make inquiry as to (i) whether the prospective adoptive parents are financially able, morally suitable, and in satisfactory physical and mental health to enable them to care for the child; (ii) the physical and mental condition of the child, if known; (iii) the circumstances under which the child came to live, or will be living, in the home of the prospective adoptive family, as applicable; (iv) what fees have been paid by the prospective adoptive family or in their behalf in the placement and adoption of the child; (v) whether the requirements of subdivisions A 1, A 2, A 3, and A 5 of § 63.2-1232 have been met; and (vi) any other matters specified by the circuit court. In the course of the home study, the agency social worker, family-services specialist, or other qualified equivalent worker shall meet at least once with the birth parent(s) and at least once with the prospective adoptive parents. Upon agreement of both parties, such meetings may occur simultaneously or separately.

ENGROSSED

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59 B. Any home study conducted pursuant to this section for the purpose of parental placement or
60 agency placement shall be valid for a period of 36 months from the date of completion of the study.
61 However, the Board may, by regulation, require an additional state criminal background check before
62 finalizing an adoption if more than 18 months have passed from the completion of the home study.
63 **2. That the Board of Social Services [(the Board)] shall promulgate regulations to implement the**
64 **provisions of this act. [The Board's initial adoption of regulations necessary to implement the**
65 **provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of**
66 **the Code of Virginia), except that the Board shall provide an opportunity for public comment on**
67 **the regulations prior to adoption.]**